

REMARKS

In the Office Action issued on December 3, 2002, the Examiner acknowledged receipt of Applicants' response filed on August 5, 2002 with the United States Patent and Trademark Office, wherein Applicants elected to prosecute the Claims of Group I, with traverse. The Examiner has found Applicants' arguments unpersuasive, and has made the Requirement for Restriction final.

In the instant Communication, the Examiner has asserted a further Restriction is deemed necessary, as indicated below:

Group I(a): Claims 1-27, drawn to sequences encoding SEQ ID NO:2; and

Group I(b): Claims 1-27, drawn to sequences encoding SEQ ID NO:8.

In making this Requirement, the Examiner has asserted that Groups I(a) and I(b) do not relate to a single general inventive concept under PCT rule 13.1 because, in the Examiner's opinion, each of these sequences is directed to a product of unrelated chemical structure and function. Hence, it is the Examiner's opinion that under PCT Rule 13.2, these two groups lack the same or corresponding special technical features.

In response, solely to be responsive to the requirement for restriction, Applicants provisionally elect, WITH TRAVERSAL, to prosecute the invention of Group I(a), Claims 1-27, drawn to sequences encoding SEQ ID NO:2. Furthermore, Applicants respectfully request reconsideration of the Requirement for Restriction for reasons provided as follows:

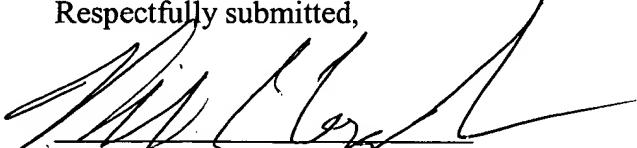
Page 2, lines 23-35 through to page 3, lines 1-4 of the instant Specification make clear that SEQ ID NOs: 2 and 8 are polypeptide sequences for a MEKK interacting FHA protein (MIF1). Thus, SEQ ID NOs:2 and 8 share a "special technical feature." Moreover, it is Applicants' position that these polypeptide sequences are new, useful and unobvious over the prior art. Thus, these two polypeptide sequences define a contribution made over the prior art.

In light of the above, Applicants respectfully submit that, the Examiner's assertions to the contrary notwithstanding, Groups I(a) and I(b) do indeed relate to a single general inventive concept under PCT rule 13.1. Accordingly, withdrawal of the instant Requirement for Restriction is respectfully requested.

Fees

No additional fees are believed to be necessitated by the foregoing Response. However, should this be erroneous, authorization is hereby given to charge Deposit Account No. 18-1982 for any underpayment, or credit any overages.

Respectfully submitted,


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